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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,160	09/21/2001	Christian H. Passow	355,00105 (2001P17281US)	4650

WOOD, PHILLIPS, VanSANTEN,
CLARK & MORTIMER
Suite 3800
500 West Madison Street
Chicago, IL 60661

EXAMINER

LUEBKE, RENEE S

ART UNIT	PAPER NUMBER
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2833

DATE MAILED: 07/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/961,160

Applicant(s)

PASSOW

Examiner

Renee S. Luebke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-30 and 32-39 is/are allowed.
- 6) ☒ Claim(s) 1-22, 27 and 31 is/are rejected.
- 7) ☒ Claim(s) 23-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☒ Other: *Miriam-Webster dictionary def.*

1. The proposed drawing correction and the proposed substitute sheets of drawings, filed on May 13, 2003, (including proposed corrections of Fig. 1 and new sheets 2-5 with legible reference numerals) have generally been approved by the Examiner. However, reference numeral 115 is not found in the specification. It appears to indicate the same structure as "100" and probably should be deleted from Fig. 1. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen, et al. in view of Lacan. The contact 64 of Nielsen comprises a flat body portion with an inclined portion leading to a contact surface that is substantially parallel to the body section. The contact has a single contact surface, not a pair of contact fingers, at each end. However, the similar device of Lacan comprises a pair of contact fingers at each end. The slit between the fingers enables dissipation of an arc. As contacts of this type are susceptible to arcing, it would have been obvious to include such a slit and to form a pair of fingers at the contact portion of Nielsen.
4. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen and Lacan as applied to claim 1 above, and further in view of Hall, et al. The contacts of Nielsen lack retention tabs or flanges. However, the similar device of Hall teaches the use of such tabs or flanges (see Fig. 12). The structure is used to restrict unwanted movement (column 6, lines 5-11). As such a restriction would have been desirable on the device of

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Nielsen, it would have been obvious to include the tabs or flanges on the contact of Nielsen as taught by Hall.

5. Claims 6, 7, 10, 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drexler, et al. in view of Lacan. The contact 7 of Drexler comprises a flat body portion with an inclined portion leading to a contact surface that is parallel to the body section. The contact has a single contact surface, not a pair of contact fingers, at each end. However, the similar device of Lacan comprises a pair of contact fingers at each end. The slit between the fingers enables dissipation of an arc. As contacts of this type are susceptible to arcing, it would have been obvious to include such a slit and form a pair of fingers at the contact portion of Drexler.

In regard to claim 6, applicant argues that Drexler does not show an elongate housing portion with a window formed transversely therethrough. However, applicant's attention is drawn to column 2, lines 30-32 where Drexler is described as having a window with edges 14. These edges are at each side of the contact bridge and therefore form a window that extends through the bridge. Further, the contact bridge carrier 8 extends from the left side of the device nearly all the way to the right side (see fig. 2) and therefore IS considered to be elongate.

In regard to claim 11, the pusher 8 of Drexler comprises four contacts; each of the contacts is adjacent to at least one other contact. Further, the amendment requires that the flat body portions of the movable contacts be position back to back and applicant argues that this is not shown by the references. However, applicant's implied definition of "back to back" is too narrow. As noted in the attached definition, back to back can merely indicate that the parts come "one after another." As the contacts of Drexler are lined up, they are seen to be "one after another" or back to back.

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6. Claims 8, 9, 12 and 13 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Drexler and Lacan as applied to claims 1, 6 and 11 above, and further in view of Hall, et al. The contacts of Drexler lack retention tabs or flanges. However, the similar device of Hall teaches the use of such tabs or flanges (see Fig. 12). The structure is used to restrict unwanted movement (column 6, lines 5-11). As such a restriction would have been desirable on the device of Drexler, it would have been obvious to include the tabs or flanges on the contact of Drexler as taught by Hall.

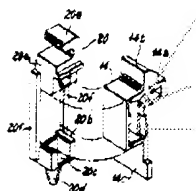
7. Claim 15 remains rejected under 35 U.S.C. 102(b) as being anticipated by Nielsen, et al. The assembly of Nielsen comprises a pusher 18, a window 58 through the pusher, a first movable contact 63 and a second movable contact 64. Applicant argues that the contacts are not back to back. However, a further look at the figures and the definition of "back-to-back" will show that these contacts ARE facing in opposite directions and consecutive; they therefore ARE back to back as required by the claim.

8. Claims 16 and 17 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen in view of Lacan as previously discussed and not separately argued by applicant.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen in view of Hall, et al. as previously discussed and not separately argued by applicant.

10. Claims 15 and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Mading. This pusher assembly comprises a pusher 14 (Fig. 4) with a window, a first movable contact 10 and a second movable contact 12. The window comprises a first and second window in a first portion 14 of the

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body. The body also includes a recess. As the examiner considers the side of the contacts lacking the contacting surface to be the back and these surfaces face each other, the contacts of Mading are seen to be back to back.

11. Claims 27 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Nielsen. This device is assembled by inserting movable contacts 63, 34 into the pusher 18. The contacts are retained back to back by spring 65. In regard to claim 31, the shoulder is seen to be the entire periphery of window 58.

12. Claims 28-30 and 32-39 are allowed.

Claims 23-26 would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. The prior art fails to show or teach a pusher assembly, of the type claimed, having a spring positioned in a recess that is formed in a first portion of the body and extends to a second portion of the body.

13. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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14. It is suggested that responses to this final action be faxed to:

(703) 872-9319 or 308-7722, 308-7724

Please refrain from sending a confirmation copy, as noted in 37 CFR 1.6(d) and 1.8(b).

For formal communications, please mark "EXPEDITED PROCEDURE."

For informal or draft communications please clearly label "PROPOSED" or "DRAFT."

Alternatively, responses may be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

Hand-delivered responses should be brought to:

Crystal Plaza 4, Fourth Floor (Receptionist)

2201 South Clark Place, Arlington, Virginia.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mrs. Renee Luebke at (703) 308-1511. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mrs. Paula Bradley, can be reached at (703) 308-2319.



Renee S. Luebke
Primary Patent Examiner
July 8, 2003



Your family name:

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Dictionary

One entry found for **back-to-back**.

Main Entry: **back-to-back**

Function: *adjective or adverb*

Date: 15th century

1 : facing in opposite directions and often touching

2 : coming one after the other : **CONSECUTIVE**

Get the Top 10 Most Popular Sites for "back-to-back"

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Pronunciation Symbols

Click on the example word to hear the pronunciation.

\ə\ as **a** and **u** in **about**

\e\ as **e** in **the**

\&r\ as **ur/er** in **turner**

\ə\ as **a** in **and**

\ə\ as **a** in **and**

\ə\ as **o** in **not**

\e\ as **e** in **the**

\E\ as **ea** in **mean**

\g\ as **g** in **go**

\i\ as **i** in **ice**

\i\ as **i** in **ice**

\j\ as **j** in **joy**

\ə\ as **aw** in **now**

\oi\ as **oy** in **boy**

\th\ as **th** in **the**

\th\ as **th** in **the**

\u\ as **oo** in **too**

\u\ as **oo** in **too**

\y\ as **y** in **yet**